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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS:

BOB STUMP-CHAIRMAN
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

2013 MAY 16 A 11: 36

DOCKETED

MAY 16 2013

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

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RM

In the matter of:

Docket No. S-20876A-13-0014

JAMES F. LIEBES, CRD #2332174, a single man
and

LANESBOROUGH FINANCIAL GROUP LLC,
an Arizona limited liability company,

Respondents.

**MOTION TO WITHDRAW AS
COUNSEL FOR RESPONDENTS
JAMES F. LIEBES AND
LANESBOROUGH FINANCIAL
GROUP LLC**

Paul J. Roshka, Jr. and Maura C. Quigley of the Law Firm of Roshka DeWulf & Patten, PLC moves that the Administrative Law Judge issue a Procedural Order granting them leave to withdraw as counsel of record for Respondents James F. Liebes and Lanesborough Financial Group, LLC (collectively, "Respondents").

Arizona Administrative Code R14-3-104(E) provides that:

Withdrawal of attorney. The Commission or presiding officer may permit the withdrawal of an attorney from any proceeding upon written application and good cause shown under such terms, conditions, and notices to clients and other parties as the Commission or presiding officer may direct. Oral application for withdrawal may be made during any open proceeding which is being reported.

Arizona Rule of Professional Conduct, Rule 1.16 provides that:

(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:

- (1) withdrawal can be accomplished without material adverse effect on the interests of the client;
- (2) the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;
- (3) the client has used the lawyer's services to perpetrate a crime or fraud;
- (4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;
- (5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

- (6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or
- (7) other good cause for withdrawal exists

Lastly, Arizona Administrative Code R14-3-101(A) provides (in part) that "In all cases in which procedure is set forth neither by law, nor by these rules, nor by regulations or orders of the Commission, the Rules of Civil Procedure for the Superior Court of Arizona as established by the Supreme Court of the state of Arizona shall govern." In turn, the Rule 5.1 of the Arizona Rules of Civil Procedure— "Duties of Counsel—governs the substitution or withdrawal of counsel of record. Provision (a)(2)(B) of Rule 5.1 states:

Where such application does not bear the written approval of the client, it shall be made by motion and shall be served upon the client and all other parties or their attorneys. The motion shall be accompanied by a certificate of the attorney making the motion that (i) the client has been notified in writing of the status of the case including the dates and times of any court hearings or trial settings, pending compliance with any existing court orders, and the possibility of sanctions, or (ii) the client cannot be located or for whatever other reason cannot be notified of the pendency of the motion and the status of the case.

Respondents have failed to fulfill their financial obligations owed to counsel for their legal services. They have failed to do so after several warnings from counsel that they would be required to withdraw if his bills were not made current. Under Rule 1.16(b)(5) of the Arizona Rules of Professional Conduct, a client's failure to fulfill financial obligations owed to Counsel for legal services is grounds for terminating representation. In addition, failure to fulfill financial obligations constitutes "good cause" within the meaning of A.A.C. R14-3-104(E).

Counsel is providing below the full name, telephone number, email address and home address of James F. Liebes and the name and address of Lanesborough Financial Group, LLC, where all future papers and pleadings should be served:

Name: Mr. James F. Liebes

Home Address: 6301 E. Vista Drive, Paradise Valley AZ 85253

Cell Phone: (415) 307-6583

Email: jim.liebes@gmail.com

Name: Lanesborough Financial Group, LLC

ROSHKA DeWULF & PATTEN, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

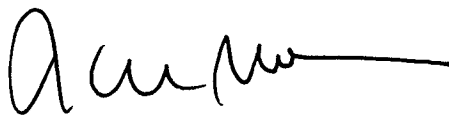
Address: 7373 E. Doubletree Ranch Rd., #125, Scottsdale AZ 85258

A certificate in accordance with Rule 5.1(a)(2)(B) of Arizona Rules of Civil Procedure is attached.

All requirements of A.A.C. R14-3-104(E), Rule 1.16 of the Rules of Professional Conduct, and Rule 5.1(a)(2)(B) of Arizona Rules of Civil Procedure have been satisfied. Therefore, Paul J. Roshka, Jr. and Maura C. Quigley of the Law Firm of Roshka DeWulf & Patten, PLC respectfully request that the Administrative Law Judge issue a Procedural Order granting them leave to withdraw as counsel for Respondents James F. Liebes and Lanesborough Financial Group, LLC.

RESPECTFULLY SUBMITTED this 16th day of May, 2013.

ROSHKA DeWULF & PATTEN, PLC

By 

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1 ORIGINAL and thirteen copies of the foregoing
2 filed this 16th day of May, 2013 with:

3 Docket Control
4 Arizona Corporation Commission
5 1200 West Washington Street
6 Phoenix, Arizona 85007

7 Copy of the foregoing hand-delivered
8 this 16th day of May, 2013 to:

9 Marc E. Stern, Administrative Law Judge
10 Hearing Division
11 Arizona Corporation Commission
12 1200 West Washington Street
13 Phoenix, Arizona 85007

14 Matthew J. Neubert, Esq.
15 Securities Division
16 Arizona Corporation Commission
17 1300 West Washington Street, 3rd Floor
18 Phoenix, Arizona 85007

19 By Ruth B. Aubrey
20 LiebesACC/pld/Motion to Withdraw.doc

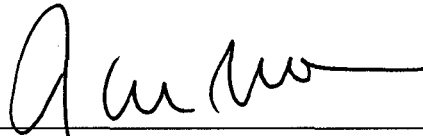
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CERTIFICATION OF COUNSEL

Pursuant to Rule 5.1(a)(2)(B) of Arizona Rules of Civil Procedure

In accordance with Rule 5.1(a)(2)(B) of Arizona Rules of Civil Procedure, undersigned counsel certifies that the client has been notified in writing of the status of the case including the dates and times of any court hearings or trial settings, pending compliance with any existing court orders, and the possibility of sanctions.

ROSHKA DeWULF & PATTEN, PLC

By 

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